



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,489	10/08/2003	William M. Shvodian	XSI.069	5499

23400 7590 08/15/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,489	SHVODIAN, WILLIAM M.	
	Examiner	Art Unit	
	Michael Vu	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-12, 16-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

Claim Objections

1. ***Claim 15 is objected to because of the following informalities: The claim, as written, depends from claim 3. The examiner believes this to be a TYPO and should depend from claim 13 (?).***

Allowable Subject Matter

2. Claims 4-6, 10-12, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4, recited novel material, "wherein the listening modes include a listen-to all mode indicating a policy of listening to all possible channel time allocations regardless of their assigned destination address", which is not found in the prior art of record.

Claim 5, recited novel material, "wherein the listening modes include a listen-to-multicast mode indicating a policy of listening to all possible channel time allocations that are assigned to a multicast address as the destination address", which is not found in the prior art of record.

Claim 6, recited novel material, "wherein the listening modes include a listen-to-source mode indicating a policy of listening to all possible channel time allocations that are assigned to a set unicast address as the destination address", which is not found in the prior art of record.

Claim 10, recited novel material, "wherein the listening modes include a listen-to all mode indicating a policy of listening to all possible channel time allocations regardless of their assigned destination address", which is not found in the prior art of record.

Claim 11, recited novel material, "wherein the listening modes include a listen-to multicast mode indicating a policy of listening to all possible channel time allocations that are assigned to a multicast address as the destination address", which is not found in the prior art of record.

Claim 12, recited novel material, "wherein the listening modes include a listen-to source mode indicating a policy of listening to all possible channel time allocations that are assigned to a set unicast address as the destination address", which is not found in the prior art of record.

Claim 16, recited novel material, "wherein the listening modes include a listen-to all mode indicating a policy of listening to all possible channel time allocations regardless of their assigned destination address", which is not found in the prior art of record.

Claim 17, recited novel material, "wherein the listening modes include a listen-to-multicast mode indicating a policy of listening to all possible channel time allocations that are assigned to a multicast address as the destination address", which is not found in the prior art of record.

Claim 18, recited novel material, "wherein the listening modes include a listen-to-source mode indicating a policy of listening to all possible channel time allocations that

Art Unit: 2683

are assigned to a set unicast address as the destination address", which is not found in the prior art of record.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7-9, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gehring (US 6,597,683).

Regarding **claims 1, 7, and 13**, Gehring teaches a method of transmitting data packets from a source device in a wireless network (Fig. #1, Open Systems Interconnection OSI Model / Seven-Layered connecting or communicating with different systems), comprising: receiving a channel time allocation assignment at the source device (Fig. #3 Wireless Communication System shows Master Device =Server=Coordinator/Source Device) the channel time allocation assignment indicating: an assigned channel time allocation(Channel Time Allocation=Time Slot=Data Slot (C4, L18-30), Fig. #4 in TDMA Frame 42, and Claims 1,2,11, and 12 reads on), a source address (Fig. 6, #80 Target/Source) indicating that the source device is assigned to transmit during the assigned channel time allocation (Data Slot (C4, L18-30), Fig. #4 in TDMA Frame 42), and a destination address (Fig. 6, #80 Target/ Source) indicating that a destination device is assigned to listen during the assigned channel time allocation

Art Unit: 2683

((C2, L8-17, Carrier Sense Multiple Access (CSMA) allows transmitting device to first listen to the channel to determine if another device is transmitting at that moment / If idle then send); performing a first determining step to determine whether the source device has primary data to send to the destination device (Fig. 5, #52 shows the different steps used in methods Offline C11, L1-13, Online C10, L39-49, and Engaged C11, L30-36); sending primary data from the source device to the destination device during the assigned channel time allocation if the first determining step determines that the source device does have primary data to send (Fig. 5, #52 shows the different steps used in methods Offline C11, L1-13, Online C10, L39-49, and Engaged C11, L30-36); performing a second determining step to determine whether any time remains in the assigned channel time allocation after the step of sending primary data (Fig. 5, #52 teaches different steps used in method); performing a third determining step to determine whether the source device has secondary data to send to a secondary device not assigned as the destination device if the second determining step determines that time remains in the assigned channel time allocation (Fig. 5, #52 teaches different steps used in method); performing a fourth determining step to determine whether the secondary device is listening during the assigned channel time allocation if the third determining step determines that the source device has secondary data to send to the secondary device (Fig. 5, #52 teaches different steps used in method); and sending secondary data from the source device to the secondary device during the assigned channel time allocation if the fourth determining step determines that the source device

does have secondary data to send (Automatic Retransmission Request (ARQ) which is multiple steps to send, Fig. 5, #52 reads on, and claims 1,2,11, and 12 reads on).

Regarding **claims 2, 8 and 14**, Gehring teaches a method of transmitting data packets from a source device in a wireless network (Fig. 3, #34 Master transmit to Slave1 to Slave_n), as recited in claim 1, further comprising: performing a fifth determining step to determine whether any time remains in the assigned channel time allocation after the step of sending secondary data (C4, L18-30, and Fig. 5 teaches different way of steps); and repeating the second, third, and fourth determining steps as well as the step of sending secondary data if the fifth determining step determines that time remains in the assigned channel time allocation. ((C4, L18-30) teaches the data slots used for transmission between the devices of the network, it assigned a start time for transfer (slot start time), and the length of time for transfer (slot length), if any time remains, send more data).

Regarding **claims 3, 9 and 15**, Gehring teaches a method of transmitting data packets from a source device in a wireless network (Fig. 3, #34 Master transmit to Slave1 to Slave_n), as recited in claim 1, wherein the source device maintains a device listening mode list of all network devices (C2, L7-18, first is 1-persistent CSMA which allows for transmitting device, first listen until idle then send data/packet/frame), the device listening mode list indicating a listening mode that each network device is currently operating in (the second version is nonpersistent CSMA, before send, a device senses the channel and if no other device is using the channel, the device will begin to transmit as in 1-persistent CSMA), and wherein the third determining step is performed

by having the source device look up the secondary device in the device listening mode list (C2, L7-26, the first is 1-persistent and the second is nonpersistent of CSMA reads on).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shvodian US 2003/0003905

Shvodian US 2004/0114563

Shvodian US 2004/0013127

Shvodian US 2003/0199272

Montano US 2003/0063619

Odman US 2003/0137966

Chuang US 6,052,594

Howard US 2002/0090939

Jorgensen US 2002/0099854

Jorgensen US 6,862,622

Jorgensen US 6,680,922

Jorgensen US 6,640,248

Jorgensen US 6,628,629

Jorgensen US 6,594,246

Jorgensen US 6,590,885

Jorgensen US 6,452,915

Art Unit: 2683

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.

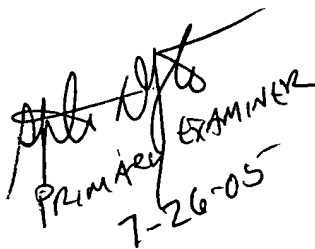
The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu



PRIMED EXAMINER
7-26-05